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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

5 - - -
6 CONSTELLATION NEWENERGY: CIVIL ACTION
INC., :

7 Plaintiff, :

8 vs. :

9 POWERWEB TECHNOLOGIES, :

10 INC., et al., :

Defendants. : NO. 02-CV-2733 (HB)

11 - - -
12 Philadelphia, Pennsylvania

13 Friday, June 18, 2004
14 - - -

15 Pretrial Examination of PETER
16 FOX-PENNER, Ph.D., taken pursuant to notice,
17 at the law offices of Wolf Block, LLP, 1630
18 Arch Street, 22nd Floor, on the above date,
19 beginning at approximately 10:10 a.m., before
20 Debra Ann Whitehead, a Court Reporter, an
21 Approved Reporter of the United States
22 District Court, and Notary Public.

23 V A R A L L O Incorporated
Litigation Support Services
24 1835 Market Street, Suite 600
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1 Peter Fox-Penner, Ph.D.

2 any particular skill or expertise in
3 predicting or modeling Powerweb's lost
4 profits?

5 A. No, I didn't, made no efforts to
6 learn anything of that nature.

7 Q. Is modeling or predicting lost
8 profits something that the Brattle Group does?

9 A. Yes, that is a line of business or
10 an activity that Brattle Group partners, many
11 Brattle Group partners, engage in.

12 Q. Is that an activity that requires
13 some specialized knowledge or skill?

14 A. Yes, in my opinion, it does.

15 Q. What particular skill or expertise
16 do you think is necessary to predict or model
17 the lost profits of a business?

18 A. I think you need to know some
19 economics, a little bit of accounting, and you
20 need to understand the particular business
21 that you're modeling.

22 Broadly speaking, those, I think,
23 are the core qualifications.

24 Q. At the Brattle Group, what is the
25 typical background of qualifications of people